THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14432 OF 2002

DATED:9.3.2006

Between:

D. Narayan Reddy and others

…Petitioners

And

Government of A.P.

Rep. by its Secretary,

Revenue Department,

Secretariat, Hyderabad and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14432 OF 2002

ORDER:

The petitioners, who are thirteen in number and who are members of Sri Rama Cooperative House Building Society, Visakhapatnam, (for short, the Society) allegedly purchased small extents of house sites in T.S.No.1011 Block No.39, Waltair, Visakhapatnam. The society made an application for exemption of the land from the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (for short, the Act) and the same was rejected by the Government. On challenge, this Court, however, set aside the order 29.7.1993 in W.P.No.14091 of 1993 and remanded the matter to the Government. The said application for exemption is still pending. In the meanwhile, it is alleged that the respondents are taking steps to dispossess the petitioners from their plots. Therefore, present Writ Petition is filed.

In the counter affidavit filed along with W.V.M.P.No.3490 of 2005, the Special Officer and Competent Authority, Urban Land Ceiling, Visakhapatnam, states that the petitioners were never in possession of the land in T.S.No.1011 Block No.39, Wartair Ward, Visakhapatnam that the declaration filed by Addepalli Venkata Appaiah Sastry under the Act was processed declaring the surplus vacant land of 8,000 Sq.mts., and that the land was taken over under Section 10(5) of the Act on 29.7.2002. It is alleged that the records of the society are not available to verify the genuineness of the claim of the petitioners. However, the allegation that application for exemption is pending before the Government is not denied.

The Writ Petition is filed alleging that there is threat of dispossession during the pendency of the application for resumption. Therefore, instead of keeping the matter pending, the Writ Petition can be disposed of with a direction to Government of Andhra Pradesh.

Accordingly, the Writ Petition is disposed of directing the first respondent to consider the application filed by Sri Rama Cooperative House Building Society, Visakhapatnam, for exemption under Section 20 of the Act as directed by this Court in W.P.No.14091 of 1993, dt.20.11.1997. This exercise may be completed within a period of eight weeks from the date of receipt of a copy of this order. Till such time, if the petitioners are still in possession of the property, in spite of the declarant surrendering surplus vacant land to the Government, as alleged by the respondents, there shall be *status quo* as on today.

The Writ Petition is accordingly disposed of.

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(V.V.S.RAO, J)

9.3.2006

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